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COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

SUMMARY RECORD OF THE 278th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 January 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Republic of Korea (continued) (CRC/C/8/Add.21; CRC/C.11/WP.4; written replies distributed without a symbol)

1. The CHAIRPERSON invited the Committee to continue its consideration of the questions on health and education (questions 24 to 32 of the list of issues CRC/C.11/WP.4).

2. Mrs. BADRAN said that she welcomed the positive developments in health indicators and health care activities, as well as the existence of a health insurance system. However, she would like to know whether the activities of the various ministries and administrations responsible for health issues were well coordinated and whether the centralization of the health care system did not create problems at the community level. She also wished to know whether rural and urban dwellers and the different socio-economic groups had equal access to health services and whether patients were referred to the competent services at the local level. The report (CRC/C/8/Add.21) stated that 90 per cent of the population was covered by a health insurance system, but she wondered about the remaining 10 per cent. The fact that patients had to meet 55 per cent of the cost of ambulatory treatment and more than 50 per cent of hospitalization costs was a matter of concern; she wondered how the poor managed to meet such expenses. Turning to the question of traffic accidents, she asked whether the authorities should not consider adding measures such as heavier fines for traffic offences and stricter driving courses to the five-year prevention campaign and the establishment of protective zones around schools in order further to reduce the number of deaths from traffic accidents.

3. With regard to disabled children, she was surprised at the relatively low percentages given and wondered what "disabled" was understood to mean in the Republic of Korea. She would also like further information on the registration system for disabled children. In view of the fact that 80 per cent of disabled children did not receive education suited to their needs, she would like to know how the Ministry of Education intended to attain a 100 per cent school enrolment rate for disabled children by the year 2001 and how it intended to integrate 75 per cent of them into the regular schools, considering that, according to the report, parents did not want their children to attend school with disabled children. Noting that 32 per cent of disabled children were disabled from birth, she asked whether the authorities intended to take preventive measures. With regard to AIDS, she would like to know whether the virus was continuing to spread rapidly and what the Government intended to do to eradicate it. She would also like to know whether the nutritional situation of children had improved and whether the incidence of anaemia, which had affected 24 per cent of disadvantaged children in the 6-to-14 year age group in 1991, had declined.

4. Education seemed to be a matter of high priority for the authorities. She was afraid that the highly competitive educational system in the Republic of Korea was disturbing for children and a source of anxiety. Perhaps that might be connected to the problem of drug addiction among the young. She also

wondered whether there was not a disparity between rural and urban schools and private and public establishments. In addition, the size of classes should be reduced. She would also like to know whether school curricula were gender sensitive.

5. Mr. Seung HO (Republic of Korea), replying to the questions on adoption, said that adopted children in the Republic of Korea were generally children whose parents had died and who had been taken in by other members of the family or children whose natural parents could not afford to raise them. The increase in the standard of living had made it possible partially to solve the latter problem, and that was why there had been a drop in the number of adoptions. Family planning was another reason for the decline in adoptions. Traditionally, a family's happiness had been measured in terms of the number of children it had, but population density in the Republic of Korea was such that special efforts had been made to explain to parents the importance of family planning and the need to have fewer children. Families that wished to adopt a child waited an average of six months to a year. Adoptable children generally remained for six months to a year in a foster family before being officially adopted by the family. There were unfortunately fewer foster families than children awaiting adoption. Adopted children could remain in contact with their natural parents and inherit from them.

6. As to efforts to reduce the number of divorces, he said that, through the different subjects taught in school, children had an opportunity to develop an idea of what marriage entailed. There were also marriage counsellors to help couples with problems. Children whose parents were separated could turn to social workers or members of the Child Welfare Committees if they needed help. The Committee members were volunteers, but could request financial aid from the authorities if necessary.

7. Replying to the questions on abused children, he said that there were no programmes for educating parents who abused their children. The need to establish such programmes had not yet been felt. If a child was subjected to violence within his family, he could tell the neighbours or his teachers. Neighbours usually did not get involved in family problems unless the situation became intolerable. However, the Government was considering the enactment of a special law for preventing the ill-treatment of children.

8. Concerning respect for views expressed within the family, he said that all persons were free to have their own political opinions and to discuss them with their families. There had never been any complaints filed for non-respect of views expressed within the family.

9. Most abandoned children were the children of single mothers. However, every effort was being made to lower the number of abandoned children, especially in hospitals where single and married mothers could discuss their problems with psychologists, counsellors and social workers.

10. Children heads of household received material assistance from the authorities to help them support themselves and their families, receive an education and avail themselves of health care services.

11. Abortion was strictly prohibited by law unless the future mother's health was in danger. Corporal punishment was also prohibited by law, even for educational purposes. In practical terms, however, it could not be said that corporal punishment never occurred. The establishment of institutions for the treatment of children who had been subjected to sexual violence was planned. Incest as such was not legally punishable, but came under a more general provision laying down severe penalties for sexual relations with a child under 13 years of age. There were no available statistics on cases of sexual violence or incest, for the victims or their parents preferred not to publicize them. The drafting of a law that would cover exhaustively both ill-treatment of children and prevention of such ill-treatment was planned: the project was at the information-gathering stage. When a child was the victim of sexual violence, the best solution was to settle the situation within the family and not remove the child. If that was not possible, the child would be separated from his or her family and given to a social welfare agency. There were no legal provisions governing the age at which a child could give valid consent for sexual relations, but the age limit could be deduced from the provision severely punishing sexual relations with a child under 13 years of age, even with the child's or his or her parents' consent.

12. Since 1995, any Korean citizen whose monthly income was less than $340 was entitled to State aid, since the minimum guaranteed wage was $430 per month. If parents could not afford to raise their children properly, they could either give them over to an agency or obtain assistance from the Ministry of Health and Social Welfare, among other sources.

13. Replying to Mrs. Badran's questions on the education of disabled children, he said that the objective of enrolling 100 per cent of disabled children in school by the year 2001 (written replies, p. 27) was quite feasible. To persuade parents to agree to disabled children attending the regular schools, ongoing, large-scale efforts were being made to educate families and communities.

14. It was true that competition and examinations were a heavy burden on children. However, it had to be acknowledged that, when choosing candidates for a job, especially in the public sector, and the number of places was limited, competitive examinations were the fairest means of selection. That did not mean that there was not a problem, which had become very serious in the past 15 years. The Korean Government was aware of the need to avoid subjecting young children to the unpleasant experience of examinations. Therefore, children were not required to take examinations through the ninth year of school, which was the last year of compulsory schooling. Beyond that, for example, in order to enter university, selection took place through competitive examination. The Korean Government would be pleased to be given suggestions and advice in that area.

15. In the field of education and school curricula, it was true that, at certain stages of the educational cycle, there were subjects that might be particularly suitable for boys or girls. The distinction had educational purposes; it was neither arbitrary nor discriminatory, but the result of plain common sense. For example, courses in home economics or family life were particularly intended for girls, although there was nothing to prevent boys from taking them.

16. There were health care centres in the administrative subdivisions of the Republic of Korea that corresponded to departments or counties in Western countries (subdivisions of several hundred thousand people covering vast areas). In the smaller cities, there were medical centres dependent on them. All the centres were under the supervision of the Ministry of Health and Social Welfare, which co-financed them with the provincial administrations. Nearly the entire population was covered, directly or indirectly, by the health insurance system. Inhabitants whose monthly income was less than $350, i.e. approximately 4 per cent of the total population, were covered by a public welfare system.

17. There was a November 1987 law aimed at preventing the spread of AIDS and under which, a special committee had been established to provide the Ministry of Health and Social Welfare with advisory assistance. Public health measures had been taken with respect to places used by large numbers of people (hotels, public toilets), where various facilities and equipment were made available to the public. Family planning associations also distributed educational publications dealing with the risks of AIDS and even, in certain cases, condoms.

18. The Korean authorities were constantly examining ways of improving health services, particularly services for children. A special committee for research had been established in 1994. It was true that the level of Government health expenditures was relatively low in the Republic of Korea in comparison with other expenditures, for health care was basically provided by private institutions. There was, however, one measure, relating to military service that was aimed at encouraging health care in public institutions. The military budget of the Republic of Korea was a heavy burden, for the military was an absolute necessity, and every male citizen who reached the legal age was required to perform military service unless he was physically unfit. However, doctors who volunteered to work in urban and regional public health care services were exempted from compulsory military service. They numbered between 7,500 and 8,000 at present.

19. Mrs. SANTOS PAIS, referring to the Korean educational system, where competition among students was keen, encouraging the Korean authorities to give more thought to the social problems that arose when the gap between "winners" and "losers" was widened, said she was concerned about the high student suicide rate. The transition towards a market economy and privatization did not always go hand in hand with social development. On another matter, the education budget was not high enough, particularly if compared to the defence budget.

20. Miss MASON noted that, in many countries, teaching was a profession of last resort because it was not paid well enough. She would like to know whether steps were being taken to improve the training and conditions of teachers, who were often given overcrowded classes, and whether Korean schools were mixed.

21. Mr. Seung HO (Republic of Korea) said that he shared Miss Mason's concerns. For over 20 years, the Government had been making constant efforts to improve the situation of teachers. Primary schools were mixed. In

secondary and higher education, there were separate schools for girls and boys. There were even some very prestigious universities reserved for girls. They were a reflection of time-honoured traditions.

22. The CHAIRPERSON invited the members of the Committee and the Korean delegation to turn to the questions on special protection measures (questions 33 to 35 of the list of issues, CRC/C.11/WP.4).

23. Mrs. KARP, referring to child labour, asked whether the Korean Government was considering ratification of ILO Convention No. 138 concerning the minimum age for admission to employment, which Korean legislation set at 13. According to the report (CRC/C/8/Add.21) and the information received by the Committee, the prohibition against employing children under 13 years of age applied only to firms employing five or more persons. Had a policy been established to protect children from exploitation at work? Were employers who infringed the law prosecuted? She would like clarifications on the fact that there were more girls 14 to 16 years of age working than boys in the same age group. Was that not discrimination against girls?

24. As far as the administration of juvenile justice was concerned, there did not appear to be any judges working specifically with minors. It also appeared that many young people were detained for long periods before being tried and received the services of a lawyer only when the trial began. Were they entitled to meet with a lawyer at the time of arrest? It also appeared that young people were detained together with adults. The proportion of young people referred to the criminal justice system was high in comparison with those assigned to rehabilitation centres. Were there enough centres to satisfy demand? Children from 12 to 14 years of age in conflict with the law were subject to protection measures. What about children under 12 years of age, in particular those who had committed serious offences? Were children placed in institutions for juvenile offenders able to participate in the operation and management of the centres? Were they able to file a complaint against centre staff members when their rights were infringed?

25. Mrs. SANTOS PAIS, referring to the administration of juvenile justice, encouraged the Korean Government to seek solutions other than deprivation of liberty and, in the best interests of the child, to shorten the length of detention for minors. She was very concerned about the fact that a child guilty of an offence that carried the death penalty if committed by an adult might be liable to 15 years' imprisonment. On another matter, both the report and the written replies referred to the cases of "anti-social" children who had a propensity to commit offences. She was opposed to the idea that a person might have such a propensity. The primary goal was to evaluate objectively the unlawful acts that a child was alleged to have committed. The concept of "anti-social" children opened the way for stigmatization and social exclusion.

26. With regard to child labour, paragraph 198 of the report stated that there had been 113 children under 13 working in 1992. She encouraged the Korean Government to establish prevention mechanisms in that area. Most legally employed children were working in the manufacturing sector. The delegation would certainly agree that it was not desirable for children to be

working in that sector. The Labour Standards Act limited children's working hours to 7 hours per day and 42 hours per week; in her view, that was too much and it was difficult for such children to study - i.e. to have access to education - at the same time.

27. Paragraph 136 of the report stated that schooling was compulsory through the age of 16, and that was to be welcomed. She encouraged the Government to make 16 the age for access to employment so that children could acquire the professional skills needed in a competitive society.

28. Mr. HAMMARBERG, referring to child labour, said that the ILO's cooperation would be valuable to the Government in adopting measures on behalf of young workers. He would appreciate additional information on the procedures followed by the authorities with regard to asylum-seekers. According to the Government's written reply to question 33, the eight people who had sought refugee status as of 29 December 1995, including two children, had been allowed to stay in Korea only for humanitarian reasons, since they had been denied refugee status.

29. Miss MASON, referring to paragraph 199 of the report, which stated that the Government punished persons who sold psychotropic substances to children under 14 years of age by penal servitude of not more than 10 years or a fine not exceeding 10 million won, asked whether the Government intended to amend that law to provide the same protection for minors under 18 years of age. She was concerned about the fact that between 45,000 and 88,000 teenage drug addicts were said to be in need of treatment. She would like to know whether the Government had established a policy for preventing the abuse of psychotropic substances since the publication of the report.

30. She asked whether research was being conducted into the causes of the prostitution of children, both boys and girls, in particular to establish whether there was any link between sexual abuse in the home and child prostitution. Was child prostitution encouraged by certain local practices? Were there any cases of paedophilia in the Republic of Korea? An increase in sexual tourism was being noted throughout the world, especially Asia. Were measures being taken in the Republic of Korea to prevent it?

31. Since there was a high proportion of abandoned children, she would like to know what legislative measures or programmes were established to find such children and to prevent them from falling into the hands of traffickers. Were there any street children in Korea?

The meeting was suspended at 5 p.m. and resumed at 5.15 p.m.

32. Mr. Seung HO (Republic of Korea) said that the Government was considering amending the Labour Standards Act to raise the minimum age for admission to employment to 15. The 13-year age minimum had reflected a social situation prevalent in the past, when families with low standards of living had needed all their members in order to survive and when the Government had not had sufficient resources to help them. The standard of living of the Korean population had risen since then. It was therefore time to raise the minimum age for admission to employment.

33. The authorities were considering extending protective measures to all workers, including those whose firms employed less than five persons. Labour inspectors ensured that employers respected employees' rights.

34. Concerning measures to protect the rights of children being detained pending trial, he said such children had the right to consult a lawyer and to be visited by their parents before the trial. If the family of the accused could not afford a lawyer, the Government appointed one. Judges and prosecutors had to have the same qualifications, namely, legal training. They monitored the conditions of detention and arrest of offenders.

35. There were no judges dealing exclusively with juvenile justice cases in the Republic of Korea. However, the courts that dealt with family matters and the police courts had special departments that dealt with cases of juvenile delinquency. In theory, juvenile offenders could be arrested and detained as adults. In practice, however, prosecutors detained a young suspect only when that was indispensable. Minors were usually placed in approved schools rather than prisons.

36. With regard to pre-trial detention, the police forces were required to transfer arrested persons to the prosecutor's department within a period of 10 days. It was for the prosecutor to decide, also within a period of 10 days, whether the suspect should be imprisoned or released on bail. If the case was particularly complicated, the prosecutor's department could request an additional 10-day period from the court.

37. A number of penalties and measures could be applied to offenders under 12 years of age. In such cases, judges consulted various specialists, including psychiatrists, doctors and social workers and took account of a number of elements, including the personality, behaviour and family environment of the minor in question, before taking a decision. In most cases, judges appointed a guardian to supervise the child. Juvenile offenders could also be placed in centres and assistance could be requested from hospitals if special care was needed.

38. He did not know whether it was true that girls in the 13-to-17-year age group worked more than boys in the same age group, but there was no doubt that, in the past, parents had felt that it was more important for their sons to attend school, at times to the detriment of their daughters' education. His delegation would provide the rest of the replies requested by the Committee in writing at a later date.

39. The CHAIRPERSON invited Mrs. Santos Pais to introduce the Committee's preliminary conclusions on its consideration of the initial report of the Republic of Korea (CRC/C/8/Add.21).

40. Mrs. SANTOS PAIS expressed appreciation for the constructive dialogue that had begun between the Committee and the delegation of the Republic of Korea and the multidisciplinary nature of the delegation. The Committee was encouraged that the delegation intended to consider withdrawing reservation in respect of article 9 of the Convention. It hoped that the Korean authorities would reconsider their position on the other two reservations. The Committee also believed that more awareness-raising and information campaigns should be

organized to make it possible for the Convention to become an instrument of change and improvement in Korean society. Efforts in the area of training of personnel involved in the promotion and protection of children's rights should be continued and the Convention should be used as an instrument for human rights teaching.

41. It was also encouraging to note that a large number of institutions were involved in the promotion and protection of children's rights. However, a permanent and effective mechanism of coordination among the various agencies should be established. Such a mechanism might also set up a system for evaluating the progress achieved with regard to all the aspects covered in the Convention, as they affected all the children under the jurisdiction of the Republic of Korea, including the most disadvantaged. There should also be increased cooperation with NGOs.

42. Concerning the distribution of resources, the Committee considered that there should be a balance between allocations for national defence and allocations for social development and education. Special attention should also be paid to the general principles embodied in the Convention, which should be reflected in the legislation and taken as a model for new ways of acting. The development of new attitudes should be encouraged, for example, to combat discrimination against girls in marriage or discrimination against children born out of wedlock. It was also essential to take the best interests of the child into consideration in all areas and not only the interests of the family, for example, with regard to adoptions. Children's participation in the family and at school, which was of particular importance for the development of democracy, should also be encouraged and children should no longer be regarded as "mini adults". The Committee also recommended that the Korean authorities should take measures to avoid situations of statelessness and to ensure that the exercise of fundamental freedoms was limited only for reasons compatible with democratic principles. Crimes against State security should also be tried by the civil courts.

43. With regard to the family environment, assistance to families should be increased in order to enable them effectively to play their role in promoting the rights of children. Steps should also be taken to prevent the abandonment of children and to ensure that adoption was authorized only in the best interests of the child. The Committee also recommended that measures should be taken, in the area of legislation or teaching, for example, to put an end to all corporal punishment and violence, including sexual violence, against children and to rehabilitate the victims. Measures should also be taken to guarantee the early detection of such behaviour. It might be useful to reconsider basic educational objectives, which should be designed to enable children to lead a responsible life in society, and to respect a certain balance between those objectives and the competitive atmosphere that currently prevailed.

44. New legislative measures should be taken to avoid child labour and to make the minimum age for admission to employment identical to the age at the end of compulsory schooling. Closer cooperation with the ILO might be useful in that regard. Special attention should also be given to the best interests of asylum-seeker and refugee children.

45. Mr. HAMMARBERG said that the Committee would like to propose measures for stimulating a debate on the Committee's recommendations in the Republic of Korea. The implementation of the objectives of the Convention depended to a large extent on political will and the priority given to the promotion and protection of children's rights in the political decision-making process. In that connection, the Korean authorities might consider transmitting the Committee's recommendations to the National Committee on the Rights of the Child, for example at a meeting attended by NGOs not represented on the National Committee and professionals in the field. He believed that the next five-year plan was in preparation. That might be an ideal opportunity to look into the questions tackled during the consideration of the initial report of the Republic of Korea.

46. Mr. KOLOSOV noted that there were some gaps in the Children's Charter of the Republic of Korea and the Youths' Charter of the Republic of Korea, two very important instruments. Article 29 of the Convention had not been entirely taken into account in the educational objectives, since the two instruments did not refer to the child's participation, the teaching of respect for human rights and fundamental freedoms or the need to familiarize children with civilizations other than their own. Lastly, although the Youths' Charter indicated that no one would be subjected to discrimination on certain grounds, it appeared that article 2 of the Convention, which mentioned other very important criteria, had not been entirely taken into account.

47. Mr. Seung HO (Republic of Korea) expressed appreciation for the constructive dialogue begun with the Committee and took note of the Committee's very relevant observations. The Korean authorities were deeply committed to the rights of the child and fully determined to examine the Committee's observations and recommendations closely.

The meeting rose at 6 p.m.